

21 AUG 2002

PATENT  
Docket No. 350292001300

**CERTIFICATE OF HAND DELIVERY**

I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Washington, D.C. on August 21, 2002.

  
N. Slaveter

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Masaaki KOSAKA et al.

Serial No.: 10/069,290

Filing Date: February 25, 2002

For: EXPRESSION ENHANCER FOR HM1.24

Examiner: to be assigned

Group Art Unit: to be assigned

**RESPONSE TO NOTIFICATION OF MISSING  
REQUIREMENTS UNDER 35 USC 371**

U.S. Patent and Trademark Office  
Washington, DC 20231

Sir:

In response to the Notification of Missing Requirements Under 35 USC 371 (copy attached) dated May 2, 2002, applicants submit the following:

1. Response to Notification of Missing Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, diskette containing the nucleotide sequence and/or amino acid sequence disclosures, and a printout of the sequence listing; and
2. Missing Requirements filing fee of \$642.00 (\$130 surcharge for declaration submitted after 30 months from priority date and \$12.00 additional claims), and Petition for Extension of Time of 2 months (\$400.00).

When applicants filed the application on February 25, 2002, the number of claims indicated on the National Stage Transmittal Letter were incorrect, resulting in incorrect additional claim fees. Applicants indicated that there were 14 additional total claims ( $14 \times \$18 = \$252$ ), 6 additional independent claims ( $6 \times \$84 = \$504$ ), and multiple dependent claims (\$280). The incorrect total fees enclosed with the Transmittal Letter dated February 25, 2002 was \$1,036. In the Transmittal Letter submitted herewith, the correct claims are as follows:

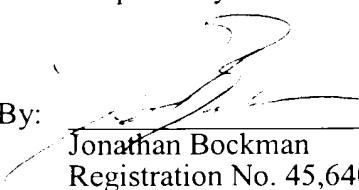
Total claims 30 - 20 = 10 extra claims x \$18 =	\$180
Independent claims 10 - 3 = 7 extra claims x \$84 =	\$588
Multiple dependent claims =	<u>\$280</u>
Total Additional Claim fees	\$1,048
Minus Incorrect Total Claim fees previously paid	<u>-\$1,036</u>

**CORRECT ADDITIONAL CLAIM FEES    \$12.00**

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 350292001300.

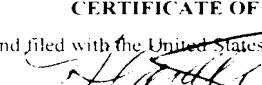
Respectfully submitted,

By:

  
Jonathan Bockman  
Registration No. 45,640

Dated: August 21, 2002

Morrison & Foerster LLP  
2000 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-1888  
Telephone: (202) 778-1601  
Facsimile: (202) 263-8396

FORM PTO-1390 OFFICE (REV. 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK	ATTORNEY'S DOCKET NUMBER <i>557</i> <b>350292001300</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. § 371</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/069,290</b>	
INTERNATIONAL APPLICATION NO. <b>PCT/JP00/05617</b>	INTERNATIONAL FILING DATE <b>August 22, 2000</b>	PRIORITY DATE CLAIMED <b>August 23, 1999</b>	
TITLE OF INVENTION <b>EXPRESSION ENHANCER FOR HM1.24 ANTIGEN</b>			
APPLICANT(S) FOR DO/EO/US <b>Masaaki KOSAKA et al.</b>			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application under PCT Article 19 (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>			
<b>Items 11. to 16. below concern document(s) or information included:</b> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information:             <ul style="list-style-type: none"> <li>Response to Response to Notification of Missing Requirements Under 35 USC 371 and copy of Notification of Missing Requirements; Response to Notification of Missing Requirements for Patent Applications Containing Nucleotide Sequence and or Amino Acid Sequence Disclosures with diskette containing sequence listing and printout of sequence listing; Petition for Extension of Time of 2 months</li> </ul> </li> </ol>			
<b>CERTIFICATE OF HAND DELIVERY</b>			
I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Washington, D.C. on August 21, 2002.   N. Slaveter			

21.  The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$1,040.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... \$890.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$740.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provision of PCT Article 33(1)-(4)..... \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =** \$

Petition for Extension of Time of 2 months \$400

Surcharge of **\$130.00** for furnishing the oath or declaration later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$130

**CORRECT NUMBER OF CLAIMS FILED WITH APPLICATION ON 2/25/02:**

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	30 - 20 =	10	x \$18.00	[\$180] see below
Independent claims	10 - 3 =	7	x \$84.00	[\$588] see below
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	[\$280] see below

**TOTAL OF ABOVE CALCULATIONS =** [\$1048] see below

Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

**SUBTOTAL =** \*\$12

Processing fee of **\$130.00** for furnishing the English translation later than

20  30 months from the earliest claimed priority date (37 CFR 1.492(f)).

+

\$

**TOTAL NATIONAL FEE =** \$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **\$40.00 per property**

+

\$

**TOTAL FEES ENCLOSED =** \$642.00**CLAIMS AS INCORRECTLY INDICATED ON TRANSMITTAL SHEET FILED 2/25/02**

Total Claims	34 - 20 =	14 x \$18 =	\$ 252
Independent claims	9 - 3 =	6 x \$84 =	\$ 504
Multiple dependent claims			\$ 280
		TOTAL	\$1,036

**\*CORRECT AMOUNT OWED \$1,048 - INCORRECT AMOUNT PAID \$1,036 = \$12.00**

charged: \$

- A check in the amount of \$ to cover the above fees is enclosed.
- Please charge my **Deposit Account No. 03-1952** in the amount of **\$642.00** referencing Docket No. 350292001300 covering the above fees. A duplicate copy of this sheet is enclosed.
- The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to **Deposit Account No. 03-1952**. A duplicate copy of this sheet is enclosed.
- Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

Barry E. Bretschneider  
Morrison & Foerster LLP  
2000 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-1888

SIGNATURE

Jonathan Bockman, Registration No. 45,640



## UNITED STATES PATENT AND TRADEMARK OFFICE

Patent - 3713.00  
 Commissioner for Patents, Box 58-1  
 United States Patent and Trademark Office  
 Washington, DC 20591-0001  
 www.uspto.gov

U.S. APPLICATION NUMBER NO ✓ 10 069.290	FIRST NAMED APPLICANT Masaaki Kosaka	ATTY DOCKET NO 350292001300	
		INTERNATIONAL APPLICATION NO PCT/JP00/05617	
		IA FILING DATE 08/22/2000	PRIORITY DATE 08/23/1999
<b>CONFIRMATION NO. 1521</b> <b>371 FORMALITIES LETTER</b>  *OC000000008002289*			

RECEIVED  
MAY 07 2002  
MORRISON & FOERSTER LLP  
WASHINGTON, DC

Date Mailed: 05/02/2002

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Assignee Statement
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- English Translation of the IA
- Information Disclosure Statements
- Oath or Declaration
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

DOCKETED 005  
 Missing Reg. Due 07-02-02  
 1st Day 12-02-02

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - See attached raw sequence listing error report.
  - APPLICANT MUST PROVIDE:
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
- Additional claim fees of **\$204** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$334** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$204**
  - **\$168** for **8** independent claims over 3.
  - **\$36** for **16** total claims over 20.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9116

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO
10/069,290	PCT/JP00/05617	350292001300



## RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/069,290  
Source: PC/10  
Date Processed by STIC: 3/7/2002

**THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.**

**PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:**

- 1) **INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,**
- 2) **TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY**

**FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.**

**FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.**

**PATENTIN 2.1 e-mail help: [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or phone 703-306-4119 (R. Wax)**

**PATENTIN 3.0 e-mail help: [patin3help@uspto.gov](mailto:patin3help@uspto.gov) or phone 703-306-4119 (R. Wax)**

**TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.1 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:**

**<http://www.uspto.gov/web/offices/pac/checker>**

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. **EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)**
2. **U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202**
3. **Hand Carry directly to:**  
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202  
**Or**  
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. **Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202**

**Raw Sequence Listing Error Summary**

<u>ERROR DETECTED</u>	<u>SUGGESTED CORRECTION</u>	<u>SERIAL NUMBER:</u> <u>10/069,290</u>
<b>ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE</b>		
1 <input type="checkbox"/> Wrapped Nucleic Wrapped Aminos	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to 3; this will prevent "wrapping."	
2 <input type="checkbox"/> Invalid Line Length	The rules require that a line not exceed 72 characters in length. This includes white spaces.	
3 <input type="checkbox"/> Misaligned Amino Numbering	The numbering under each 5 <sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.	
4 <input type="checkbox"/> Non-ASCII	The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.	
5 <input type="checkbox"/> Variable Length	Sequence(s) <input type="checkbox"/> contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.	
6 <input type="checkbox"/> PatentIn 2.0 "bug"	A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequence(s) <input type="checkbox"/> . Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.	
7 <input type="checkbox"/> Skipped Sequences (OLD RULES)	Sequence(s) <input type="checkbox"/> missing. If intentional, please insert the following lines for each skipped sequence: (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading) (ii) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) This sequence is intentionally skipped	
	Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.	
8 <input type="checkbox"/> Skipped Sequences (NEW RULES)	Sequence(s) <input type="checkbox"/> missing. If intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000	
9 <input type="checkbox"/> Use of n's or Xaa's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing. Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.	
10 <input type="checkbox"/> Invalid <213> Response	Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence <i>10 and more (global error)</i>	
11 <input checked="" type="checkbox"/> Use of <220>	Sequence(s) <input type="checkbox"/> missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section. (See "Federal Register," 06/01/1998, Vol 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)	
12 <input type="checkbox"/> PatentIn 2.0 "bug"	Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.	
13 <input type="checkbox"/> Misuse of n	n can only be used to represent a single nucleotide in a nucleic acid sequence. N is not used to represent any value not specifically a nucleotide.	